



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 11/05/2022

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.8956 of 2022

Chellaiah

... Petitioner/Accused
Rank not known

Vs.

The State Rep. By,
The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.
(Crime No.129/2021).

... Respondent/Complainant

For Petitioner : M/s. Jeyakarthik.M.S.,
Advocate.

For Respondent : A.Albert James,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

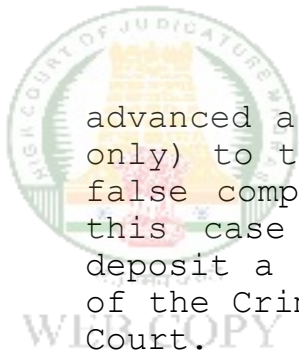
For Anticipatory bail in Crime No.129/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 174 of Cr.P.C. altered into Section 306 of IPC, in Cr.No.129 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the defacto complainant is the brother of the deceased. The deceased borrowed an amount from his friends and handed over the same to other persons including the petitioner. The said amount was not repaid to the deceased properly. Hence, the deceased committed suicide. Hence, the case has been registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He would further submit that the petitioner has



advanced a sum of Rs.1,50,000/- (Rupees one lakh and fifty thousand only) to the deceased for construction work of his house. However, false complaint has been made. The petitioner is arrayed as A3 in this case and without prejudice to his rights, he is ready to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of the Crime No.129 of 2021 before the concerned Judicial Magistrate Court.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that for the said borrowal amount the deceased has given a gold chain with the petitioner and since the same was not returned on repayment, the deceased had committed suicide.

5.Considering the facts and circumstances of the case, also considering the allegations levelled against the petitioner and also considering the undertaken given by the petitioner through his counsel before this Court, this Court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner shall deposit a sum of **Rs.1,00,000/- (Rupees One Lakh only)** before the concerned Judicial Magistrate Court to the credit of Crime No.129 of 2021 and the amount shall be disbursed in favour of the deceased's wife. To that effect, the petitioner shall also file an affidavit before the concerned Magistrate. On such payment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Tirunelveli, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks, thereafter, as and when required for interrogation;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme

<https://hccservicescourts.gov.in/Kcse/Case/> **Govt. P. K. Saji Vs. State of Kerala [(2005) AIR SCW 5560]; and;**



(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/05/2022

/ TRUE COPY /

WEB COPY

13/05/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.III,
TIRUNELVELI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
THALAIYUTHU POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-4636[I] dated 12/05/2022)

ORDER
IN
CRL OP(MD) No.8956 of 2022
Date :11/05/2022

tm/lm
USK/SVR/SAR-IV/13.05.2022/3P/6C